IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 27595 of 2006(I)

PETITIONER:

M. HASSAN KUNJU, AGED 52 YEARS,
S/O. MAMMU HASSAN, NASILA MANZIL, LAJNATH WARD,
V.P. ROAD, ALAPPUZHA.

BY ADV. SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENTS:

1.THE ALAPPUZHA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY.

2.THE SECRETARY,
ALAPPUZHA MUNICIPALITY.

3.THE DISTRICT MEDICAL OFFICER,
ALAPPUZHA.

4.SHIHAB RASHEED, S/O. RASHEED,
NADUVILE PARAMBIL, CIVIL STATION WARD, ALAPPUZHA,
PROPRIETOR, S.H. HALAL CHICKENS,NEAR MARKAZ MASJID
ALAPPUZHA.

R1-R2 BY ADV.MR.M.K.CHANDRAMOHAN DAS, S.C.
R3 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL
R4 BY ADV. SRI.S.KRISHNAMOORTHY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/01/2007 ALONG WITH WPC NO. 27681 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)Nos.27595 & 27681 of 2006

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Dated: 5th January, 2007

JUDGMENT

W.P.C.No.27681/06 has been filed by one P.R.Shihab complaining that in spite of production of all the concerned certificates, the Municipality is not issuing licence to him for the conduct of a chicken stall. W.P.C.No.27595/06 is filed by one M.Hassan Kunju who describes himself as the President of Markaz Masjid, Allapuzha complaining that in spite of Ext.P1 representation submitted by him and several others, the Municipality is going ahead with its decision to issue licence to Sri.Shihab. I am now informed that after notice was issued in W.P.C.No.27595/06, the Municipality has issued licence to Shihab. The Municipality has produced Ext.R1(a) consent letter issued by the Secretary, Karkazul-Uloomil Islamiya Trust of whose President Hassan Kunju claims to be. The statement filed by the Municipality shows that the Municipality not only took into account Ext.R1(a) but also conducted necessary inspections before issuing licence to Sri.Shihab.

2. Heard counsel on both sides.

3. Mr.Shanavas Khan, learned counsel for the petitioner in W.P.C.No.27595/06 submitted that it was during the pendency of Ext.P1 that the Municipality issued licence to Sri.Shihab ignoring

Ext.P1. Learned counsel therefore requested that the right of the petitioner in W.P.C.No.27595/06 to go in for appeal against the order be reserved. That request, according to me, is reasonable. Accordingly, I dispose of W.P.C.No.27681/06 as having become infructuous and W.P.C.No.27595/06 without granting any relief to the petitioner, but reserving the petitioner's right to go in for appeal against the order.

srd **PIUS C.KURIAKOSE, JUDGE**